

Attorney Docket No.: 00-5019  
Application No.: 09/692,926

### **REMARKS**

Applicants submit this response to the Office Action of March 8, 2005. By this amendment, Applicants have amended claims 1, 17, and 31, cancelled claims 14, 15, 44 and 45 (without prejudice to representing the subject matter of these claims at a later time), and added new claims 47-51. Accordingly, claims 1-13, 16-18, 20-43 and 46-51 are pending. No new matter has been added.

In the Office Action identified above, the Examiner rejected claims 17<sup>1</sup> and 28 under 35 U.S.C. § 112, second paragraph as being indefinite; rejected claims 1-7, 9, 11-13<sup>2</sup>, 17, 18, 20-26, 31-37, and 39-43 under 35 U.S.C. § 103(a) as being unpatentable over Kennedy et al. (U.S. Patent No. 6,405,033) in view of Riskin (U.S. Patent No. 4,757,267) and further in view of Fields et al. (U.S. Patent No. 4,839,916) and/or Aoyama (U.S. Patent No. 5, 838, 767); rejected claims 10, 25, and 40 as being unpatentable over Kennedy et al. and Riskin, and further in view of Fields et al. and/or Aoyama, and further in view of DeVito et al. (U.S. Patent No. 5,404,350); and rejected claims 8, 14-16, 27-30, 38, and 44-46 as being unpatentable over Kennedy et al., Riskin, Fields et al. and/or Aoyama and further in view of Falcon et al. (U.S. Patent Publication Number 2002/0076031.) As Applicants have cancelled claims 14, 15, 44 and 45, the rejections of these claims are moot. As to the remaining claims, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 112 and § 103(a), based on the following.<sup>3</sup>

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<sup>1</sup> The Examiner rejected claims 1 and 28 under 35 U.S.C. § 112, second paragraph. However, because claim 28 is dependent on claim 17 (not claim 1), and the Examiner referred to claim 17 in the discussion of the rejection, Applicants assume that the Examiner intended to reject claims 17 and 28 under 35 U.S.C. § 112, second paragraph.

<sup>2</sup> The Examiner rejected claims 9-13 as being unpatentable over Kennedy et al. in view of Riskin and further in view of Fields et al. and/or Aoyama. However, the Examiner also rejected claim 10 as being unpatentable over Kennedy et al. and Riskin, and further in view of Fields et al. and/or Aoyama, and further in view of DeVito et al. Because the Examiner only addressed the rejection of claim 10 in the latter section, Applicants assume that the Examiner meant claim 10 to only be rejected under Kennedy et al. and Riskin, and further in view of Fields et al. and/or Aoyama, and further in view of DeVito et al.

<sup>3</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

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**I. Examiner's Response to Arguments**

In the outstanding Office Action, the Examiner alleged that "Applicant's arguments with respect to claims 1-18 and 20-46 have been considered but are moot in view of the new ground(s) of rejection." (OA at p. 11.) Applicants respectfully submit that the Examiner's response is inadequate. For example, Applicants reasoned that the features of claim 28, in contrast to the Examiner's interpretations, were not taught by the cited references. (Reply to OA filed on October 18, 2004.) However, the Examiner never responded to Applicants' reasoning. Applicants respectfully note that claim 28 was not amended significantly in the Reply to OA filed on October 18, 2004. Applicants respectfully request the Examiner to properly respond to Applicants' reasoning (further set forth below) or withdraw the rejection of claim 28.

**II. The Rejection of Claims 17 and 28 Under 35 U.S.C. § 112.**

Applicants respectfully traverse the rejection of claims 17 and 28 under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner alleges that claims 17 and 28 seem to be contradicting each other. Applicants disagree, however, to expedite prosecution, Applicants have amended claim 17. Accordingly, Applicants request the Examiner to withdraw the rejection of claims 17 and 28 under 35 U.S.C. § 112, second paragraph.

**III. The Rejection of Claims 1-7, 9, 11-13, 17, 18, 20-26, 31-37, and 39-43 Under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claims 1-7, 9, 11-13, 17, 18, 20-26, 31-37, and 39-43 under 35 U.S.C. § 103(a) as being unpatentable over Kennedy et al. in view of Riskin and further in view of Fields et al. and/or Aoyama because the Examiner has failed to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." See M.P.E.P. § 2143.01 (8<sup>th</sup> Ed.,

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Aug. 2001), quoting In re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. See M.P.E.P. § 2143 (8<sup>th</sup> Ed. 2001), pp. 2100-122 to 127.

Claim 1 recites a combination including, for example, "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations." At least these elements of claim 1 are neither disclosed nor suggested by Kennedy et al. Although Kennedy et al. arguably describes, at column 22, line 54-column 23, line 26, receiving a request for services from mobile units and accessing a profile table to select an appropriate service center to establish a communication session with the mobile units, Kennedy et al. is silent as to "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," as recited in claim 1. Indeed, Kennedy et al. describes the storage of profile tables (Kennedy et al., Figures 7-9 and column 24, line 14-column 25, line 30) designating service centers that provide various service to the mobile units, but fails to teach or disclose configuring these tables based on data received "from a customer," as recited in claim 1.

Furthermore, Riskin does not cure the deficiencies of Kennedy et al. That is, Riskin also fails to teach or suggest at least the steps of "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," as recited in claim 1. Instead, Riskin describes "routing by reference to a territorial database containing a file for each product. A territorial file is constructed by entering the geographical area assigned to each distributor/dealer in the geographical area encompassed by the system. . . The data entry staff enters the territories into the computer in formats as supplied by the

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manufacturer." (Riskin, column 6, lines 24-49.) That is, Riskin teaches the constructing of the territorial database by data entry staff, but fails to teach configuring the database based on data received "from a customer," as recited in claim 1.

Moreover, Fields et al. and Aoyama do not cure the deficiencies of Kennedy et al. and Riskin. That is, Fields et al. and Aoyama also fail to teach or suggest at least the steps of "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," as recited in claim 1. Indeed, the Examiner cited Fields et al. and Aoyama merely for its alleged teaching of determining whether a call is from a test call generator. (OA at p. 6.)

For at least these reasons, Kennedy et al., Riskin, Fields et al., and/or Aoyama, either singly or in combination, fail to teach each and every recitation of claim 1. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed. Claim 31 recites a computer-readable medium containing a program for causing a processor to perform a method that includes elements similar to that discussed above with regard to claim 1. Applicants therefore respectfully request the Examiner to withdraw the rejection of claim 31 for at least the same reasons discussed above with respect to claim 1.

Claim 17 recites, among other elements, a system that includes "a switching configuration node connected to the network for receiving data from a customer designating routing destinations for service request calls" and "a switching control node connected to the switching node for determining a service center to which the call is to be routed, based on the trigger number, service query responses from the calling party, and the designated routing destinations indicated by the customer data, wherein in response to a determination that the trigger number matches a predetermined trigger number, said switching control node forwarding requests to the calling party to select one of a plurality of related types of a first service, the calling party generating said service query responses in response to said requests." As noted with respect to claim 1, none of Kennedy et al., Riskin, Fields et al., and/or Aoyama teach or suggest at least these elements of claim 17, and therefore Applicants believe claim 17 to be patentable

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over Kennedy et al., Riskin, Fields et al., and/or Aoyama. Applicants therefore respectfully request that the Examiner withdraw the rejection of claim 17.

Claims 2-7, 9, 11-13, 18, 20-24, 26, 32-37, 39, and 41-43 depend from claims 1, 17, or 31 and thus require all the elements of claims 1, 17, or 31. As discussed above, Kennedy et al., Riskin, Fields et al., and/or Aoyama fail to teach at least "receiving data from a customer designating routing destinations for service request calls" or "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," as recited in claims 1 and 31. Likewise, Kennedy et al., Riskin, Fields et al., and/or Aoyama also fail to teach at least "a switching configuration node connected to the network for receiving data from a customer designating routing destinations for service request calls" or "a switching control node connected to the switching node for determining a service center to which the call is to be routed, based on the trigger number, service query responses from the calling party, and the designated routing destinations indicated by the customer data, wherein in response to a determination that the trigger number matches a predetermined trigger number, said switching control node forwarding requests to the calling party to select one of a plurality of related types of a first service, the calling party generating said service query responses in response to said requests," as recited in claim 17. Accordingly, Kennedy et al., Riskin, Fields et al., and/or Aoyama fail to teach all the elements of claims 2-7, 9, 11-13, 18-24, 26, 32-37, 39, and 41-43, and Applicants therefore respectfully request that the Examiner withdraw the rejections of claims 2-7, 9, 11-13, 18-24, 26, 32-37, 39, and 41-43.<sup>4</sup>

#### IV. The Rejection of Claims 10, 25, and 40 Under 35 U.S.C. § 103(a)

Claims 10, 25, and 40 depend from claims 1, 17, or 31, and thus require all the elements of claims 1, 17, or 31. As explained above, claims 1, 17, and 31 are patentable over Kennedy et al., Riskin, Fields et al., and/or Aoyama. Accordingly,

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<sup>4</sup> As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants reserve the right to analyze and dispute such assertions in the future.

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claims 10, 25, and 40 are also patentable over these references for at least the same reasons set forth for claims 1, 17, and 31.

Furthermore, DeVito et al. does not make up for the deficiencies of Kennedy et al., Riskin, Fields et al., and/or Aoyama. That is, DeVito et al. fails to teach or suggest the steps of "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," as recited in claims 1, 17, and 31. Indeed, the Examiner merely used DeVito et al. to show redundant systems wherein if one service center is detected as having a network fault condition associated therewith, transferring or rerouting the call to a redundant center. (OA at p. 8.)

As claims 10, 25 and 40 are patentable over Kennedy et al., Riskin, Fields et al., Aoyama, and/or DeVito et al., Applicant respectfully requests that the Examiner withdraw the rejections of claims 10, 25 and 40.

**V. The Rejection of Claims 8, 16, 27-30, 38, and 46 Under 35 U.S.C. § 103(a)**

Claims 8, 16, 27-30, 38, and 46 depend from claims 1, 17, or 31 and thus require all the elements of claims 1, 17, or 31. As explained, claims 1, 17 and 31 are patentable over Kennedy et al., Riskin, Fields et al., and/or Aoyama. Accordingly, claims 8, 16, 27-30, 38, and 46 are also patentable over these references for at least the same reasons as set forth for claims 1, 17, and 31.

Furthermore, Falcon et al. does not make up for the deficiencies of Kennedy et al., Riskin, Fields et al., and/or Aoyama. That is, Falcon et al. fails to teach "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations" as recited in claims 1 and 31, and also fails to teach "a switching configuration node connected to the network for receiving data from a customer designating routing destinations for service request calls" or "a switching control node connected to the switching node for determining a service center to which the call is to be routed, based

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on the trigger number, service query responses from the calling party, and the designated routing destinations indicated by the customer data, wherein in response to a determination that the trigger number matches a predetermined trigger number, said switching control node forwarding requests to the calling party to select one of a plurality of related types of a first service, the calling party generating said service query responses in response to said requests," as recited in claim 17. Indeed, the Examiner merely cites to Falcon et al. to show addressing the issue of abandoned calls. (OA at p. 9.)

Moreover, Applicants note additional features recited in claim 28 which are neither taught nor suggested by the applied prior art. In particular, claim 28 recites "a test call generator connected to the network for generating test calls to verify that the switching control node activates a service logic program in response to the switching node receiving the test calls, wherein the service logic program performs the functions of determining a service center to which the call is to be routed based on the trigger number and service query responses from the calling party." Without citing any teachings in either Riskin, Falcon et al., Fields et al., and/or Aoyama, the Examiner only relies on portions of columns 9, 10 and 19 of Kennedy et al. in asserting that the claimed test call generator is disclosed in Kennedy et al. (OA at p. 11.) Applicants respectfully disagree.

At column 9, line 66-column 10, line 2, Kennedy et al. describes diagnostic tests of components contained in a mobile unit ("[U]ser interface 22 and platform 24 enable an operator of mobile unit 12 to perform diagnostic tests on sensors 26, actuators 28, computing devices 30.") Such diagnostic testing of a mobile unit itself is not described as generating "test calls to verify that the switching control node activates a service logic program in response to the switching node receiving the test calls, wherein the service logic program performs the functions of determining a service center to which the call is to be routed based on the trigger number and service query responses from the calling party," as recited in claim 28. Moreover, the "audio mode" described at column 19 of Kennedy et al. is implemented to "verify proper communication between mobile unit 12 and NSC 14." (Kennedy et al., col. 19, lines 27-32.) The "audio mode," however, is not described as generating "test calls to verify that the switching control node activates a

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service logic program in response to the switching node receiving the test calls, wherein the service logic program performs the functions of determining a service center to which the call is to be routed based on the trigger number and service query responses from the calling party" as recited in claim 28. Indeed, the Examiner merely alleges that Kennedy et al. teaches testing to verify proper communication between mobile unit 12 and NSC 14. (OA at p. 11.) However, testing to verify communication between the mobile unit and the NSC does not constitute verifying "that the switching control node activates a service logic program in response to the switching node receiving the test calls, wherein the service logic program performs the functions of determining a service center to which the call is to be routed based on the trigger number and service query responses from the calling party," as recited in claim 28. In fact, Kennedy et al. provides no description of the verification of the proper activation of the service logic program "in response to test calls." Claim 28 is thus allowable for at least this additional reason.

#### **VI. New Claims 47-51**

Applicants have added new claims 47-51 that recite additional features not taught by the prior art of record. For example, in addition to the cited references failing to teach or suggest "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," the cited references fail to teach or suggest "wherein the customer designates routing destinations for service calls based on the customer's analysis of a report including data regarding traffic or screening procedures associated with the plurality of service centers," as recited in claims 47-49. Further, the cited references also fail to teach "wherein when the first service center is associated with a first auxiliary service center, the method further including the steps of: detecting a traffic overload condition associated with routing the call to the first service center, and rerouting the call to the first auxiliary service center" and "wherein the first service center is associated with a different auxiliary service center, after the customer analyzes a report including



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data regarding traffic or screening procedures associated with the plurality of service centers," as recited in claims 50-51.

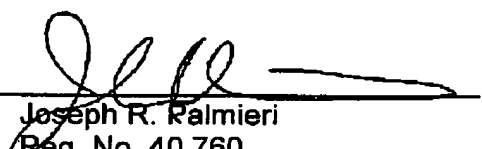
#### VI. Conclusion

In view of the foregoing, Applicants respectfully submit that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,  
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Dated: June 8, 2005

By: \_\_\_\_\_

  
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